



REPUBLIC OF KENYA



**KENYA LAW**  
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**Mulimba v Republic (Criminal Revision E046 of 2022)  
[2022] KEHC 12358 (KLR) (1 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12358 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL REVISION E046 OF 2022  
JN KAMAU, J  
AUGUST 1, 2022  
(ORIGINALLY CR CASE NO E2772 OF 2021)**

**BETWEEN**

**SIMON MULIMBA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged with the offence of stealing contrary to Section 268 as read with Section 275 of the *Penal Code* Cap 63 (Laws of Kenya). He was arrested on 23/10/2021 and arraigned in Court on 26/10/2021. He was convicted and sentenced to serve three (3) years imprisonment on 23/11/2021. The earliest release date by Prisons was 23/11/2023. The Report by Dennis Kiptanui Probation Officer dated 25/7/2022 does not recommend the release of the Applicant on community service order on account of the home environment being hostile. Bearing in mind the said Report and considering that the Applicant has only served about eight (8) months out of three (3) years of the sentence, I am not persuaded that I should review the sentence and reject the application to do so. I hereby direct that the Applicant continues serving his sentence in custody. He is at liberty to file a fresh application at the appropriate time for consideration by the Court. Orders accordingly.

**DATED AND DELIVERED AT BUSIA ON THIS 1<sup>ST</sup> DAY OF AUGUST 2022.**

**J. KAMAU  
JUDGE**

